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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS
 LIABILITY LITIGATION (NO. VI)

MDL DOCKET NO. 875
 2:01-md-00875-ER
 Case No. 2:09-cv-64068-ER

PAULA ROBERTSON, as Successor-in-
 Interest to and Wrongful Death Heir of
 JOHN ROBERTSON, Deceased, and
 DIANA SPINT, as Legal Heir of JOHN
 ROBERTSON, Deceased,

REQUEST FOR CERTIFICATION
 PURSUANT TO FEDERAL RULE OF
 CIVIL PROCEDURE 54(b) FOR
 IMMEDIATE APPELLATE REVIEW

Plaintiffs,

vs.

CARRIER CORPORATION, *et al.*,

Defendants.

This document relates to:

*Thomas Huff, et al. v. Kaiser Ventures,
 LLC., et al.*, United States District Court,
 Northern District of California,
 Case No. 3:08-cv-04490-BZ

This action came on for hearing before the Court, on June 19, 2012, the Hon. Eduardo C. Robreno, District Judge Presiding. On June 25, 2012, Judge Robreno entered his Order Granting the Motion for Summary Judgment of Defendant Huntington Ingalls, Inc.

A proposed Judgment has been lodged with the Court.

The Court's Order Granting Summary Judgment, and the Judgment, finally resolve all claims against defendant Huntington Ingalls, Inc. The claims against Huntington Ingalls, Inc.

1 have now been adjudicated to finality, such that there is nothing more to do with regard to this
 2 defendant but await the conclusion of the remaining portions of the litigation.

3 There is no just reason for delay. On July 16, 2012, an appeal was filed in the United
 4 States Court of Appeals for the Third Circuit in the matter of *John Salcido (Appellant) v. Todd*
 5 *Shipyards Corp.* (D.C. Docket No. 2:09-cv-63991-ER; USCA No. 12-3012). The issues in the
 6 present case and *Salcido* are essentially identical:

7 Whether an expert can render an opinion based on certain facts, as well as
 8 his own personal experience, but without personal knowledge, that original
 9 asbestos-containing materials would remain on a ship after overhauls had
 10 been done and that plaintiff would likely be exposed to respirable asbestos
 11 from originally installed asbestos? Or whether such an opinion is impermissively
 12 “speculative”?

13 Accordingly, plaintiffs request that a judgment in this matter be entered and certified for
 14 immediate appeal so that the Court of Appeals may, if so inclined, consolidate the actions and be
 15 able to resolve the similar issues in both, thus eliminating the need to hear two separate appeals
 16 on this same issue.

17 Dated: August 13, 2012

BRAYTON❖PURCELL LLP

19 By: /s/ Richard M. Grant

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Attorneys for Plaintiff

1 *Paula Robertson, et al. v. Carrier Corporation, et al.*
2 United States District Court, EDPA Case No. 2:09-cv-64068-ER

3 CERTIFICATE OF SERVICE

4 I hereby certify that I electronically filed the following with the Clerk of the Court for
5 the United States District Court by using the CM/ECF system on August 13, 2012:

6 REQUEST FOR CERTIFICATION PURSUANT TO FEDERAL RULE OF CIVIL
7 PROCEDURE 54(b) FOR IMMEDIATE APPELLATE REVIEW

8 Participants in the case who are registered CM/ECF users will be served by the CM/ECF
9 system.

10 Dated this 13th day of August, 2012.

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13 /s/ Diane Davidowski
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